

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Phillip John McCumber
Heather Lynn Wilkinson
Debtor(s)

Bankruptcy Case No.: 17-11339-TPA
Per February 13, 2018 Proceeding
Chapter: 13
Docket No.: 34 - 18
Concil. Conf.: July 10, 2018 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 20, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jul. 10, 2018 at 09:30 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Wells Fargo (Claim No. 7) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: February 14, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

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 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Phillip John McCumber
 Heather Lynn Wilkinson
 Debtors

Case No. 17-11339-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 43

Date Rcvd: Feb 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 16, 2018.
 db/jdb

+Phillip John McCumber, Heather Lynn Wilkinson, 235 East State Street,
 Albion, PA 16401-1360
 cr
 Erie Community Credit Union, 1915 East 36th Street, Erie, PA 16510
 14748373 +AES, 1200 N. Seventh Street, Harrisburg, PA 17102-1419
 14748372 +AES, P.O. Box 61047, Harrisburg, PA 17106-1047
 14748374 American Express, P.O. Box 1270, Newark, NJ 07101-1270
 14748375 Best Buy, P.O. Box 9001007, Louisville, KY 40290-1007
 14748379 CBNA, P.O. Box 3283, Sioux Falls, SD 57117
 14748378 +CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: CBNA, 50 Northwest Point Road, Elk Grove Village, IL 60007)
 14748376 Capital One Bank (USA), N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 14748380 Chase/Amazon, Cardmember Service, P.O. Box 1423, Charlotte, NC 28201-1423
 14748381 Chase/Slate, P.O. Box 15123, Wilmington, DE 19850-5123
 14748382 +Children's Place, Comenity Bank, P.O. Box 182120, Columbus, OH 43218-2120
 14748383 Citi Cards, P.O. Box 9001037, Louisville, KY 40290-1037
 14748385 Discover, P.O. Box 742655, Cincinnati, OH 45274-2655
 14748386 +Eastern Revenue Inc., P.O. Box 185, Southeastern, PA 19399-0185
 14748387 +Erie Community Credit Union, 1129 State Street, Erie, PA 16501-1911
 14759101 Erie Community Credit Union, c/o Carol F. Messenger, Payment Solution,
 1915 East 36th Street, Erie, PA 16510
 14748388 +I.C. Systems, Inc., P.O. Box 64378, St. Paul, MN 55164-0378
 14748389 +Krista McCumber, 1626 West 41st Street, Erie, PA 16509-1140
 14748390 +Lending Club Corporation, 21 Stevenson, Suite 300, San Francisco, CA 94105-2706
 14748394 +NAPA, P.O. Box 275, Glen Head, NY 11545-0275
 14748395 +NCO Group, Inc., 120 North Keyser, Scranton, PA 18504-9701
 14762826 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14748397 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14773042 +PNC Bank National Association, P.O. Box 94982, Cleveland, OH 44101-4982
 14748398 +Saint Vincent Health Center, 232 West 25th Street, Erie, PA 16544-0001
 14748399 Sears Credit Cards, P.O. Box 9001055, Louisville, KY 40290-1055
 14748400 State Collection Service, Inc., P.O. Box 6250, Madison, WI 53716-0250
 14748407 UPMC Community Medicine, c/of Receivables Outsourcing LLC, P.O. Box 62850,
 Baltimore, MD 21264-2850
 14748402 Union Home Mortgage, P.O. Box 11733, Newark, NJ 07101-4733
 14748403 +Union Home Mortgage, P.O. Box 77404, Ewing, NJ 08628-6404
 14748404 +Union Home Mortgage, P.O. Box 77407, Ewing, NJ 08628-6407
 14748405 +Union Home Mortgage, 8241 Dow Circle, Strongsville, OH 44136-1761
 14764186 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 14748408 +Wells Fargo National Bank, P.O. Box 94498, Las Vegas, NV 89193-4498

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14748377 +E-mail/PDF: gecsedirecoverycorp.com Feb 15 2018 02:08:09 Care Credit, 950 Forrer Blvd.,
 Kettering, OH 45420-1469
 14748384 +E-mail/PDF: gecsedirecoverycorp.com Feb 15 2018 02:07:43 Dick's, P.O. Box 965005,
 Orlando, FL 32896-5005
 14753964 E-mail/Text: mrdiscen@discover.com Feb 15 2018 01:57:35 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14748391 +E-mail/PDF: gecsedirecoverycorp.com Feb 15 2018 02:07:43 Lowes, P.O. Box 965005,
 Orlando, FL 32896-5005
 14748393 +E-mail/Text: MEvan@mchl.org Feb 15 2018 01:59:10 Millcreek Community Hospital,
 5539 Peach Street, Suite 1, Erie, PA 16509-2683
 14749631 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 15 2018 02:07:34
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14748401 +E-mail/PDF: gecsedirecoverycorp.com Feb 15 2018 02:08:09 Toys R Us, P.O. Box 965005,
 Orlando, FL 32896-5005
 14748406 +E-mail/Text: BankruptcyNotice@upmc.edu Feb 15 2018 01:59:23 UPMC, 2 Hot Metal Street,
 Room 386, Pittsburgh, PA 15203-2348

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 Union Home Mortgage Corp.
 14748396 Pepsio Savings Plan
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14748392 ##+Michael F. Ratchford, Esquire, 120 North Keyser Avenue, Scranton, PA 18504-9701

TOTALS: 2, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

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Total Noticed: 43

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***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 16, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 14, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Union Home Mortgage Corp. bkgroup@kmlawgroup.com
Michael S. Jan Janin on behalf of Debtor Phillip John McCumber mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m
myers@quinnfirm.com
Michael S. Jan Janin on behalf of Joint Debtor Heather Lynn Wilkinson mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m
myers@quinnfirm.com
Nicholas R. Pagliari on behalf of Creditor Erie Community Credit Union npagliari@mijb.com,
sburick@mijb.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6